

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3069 of 2018

Arising Out of PS.Case No. -81 Year- 2017 Thana -SAHODARA District-
WESTCHAMPARAN(BETTIAH)

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1. Babulal Manjhi son of Late Mangal Manjhi
2. Chandresh Manjhi @ Chandesh Manjhi son of Shambhu Manjhi
3. Awdhesh Manjhi son of Shambhu Manjhi
4. Ranjeet Manjhi son of Ramashish Manjhi All residents of village - Kharkatwa,
P.S. Sahodara, District - West Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-09-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 11.06.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, West Champaran at Bettiah, in A.B.P. No.1180 of 2018, arising out of Sahodara Police Station Case No.81 of 2017, registered under Sections 147/341/323/324/307/308/354/504/506 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellants are also members of the scheduled caste.



Hence, offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is not applicable against them.

Appellant Babulal Manjhi allegedly caused injury at the head of the informant with farsa. The doctor has found injury at the head of the informant.

Submission is that others are alleged to have committed assault but not on vital part.

Considering the fact that appellant Babulal Manjhi had knowledge that his act might cause death, I am not inclined to grant him anticipatory bail. Hence, the appeal against the refusal of prayer for anticipatory bail is dismissed.

Other appellants, namely, Chandresh Manjhi @ Chandesh Manjhi, Awdhesh Manjhi, Ranjeet Manjhi, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, are directed to be released on bail in view of the nature of allegation against them, as discussed above, on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the



appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, the impugned order is set aside and the appeal is partly allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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